IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 6 OF 2005

CRUZ BAPTISTA,MARGAO GOA. ....Appellant

Versus

MRS. RETINHA FERNANDES(NOW DEC.) ....Respondents
AND 10 ORS.,

Mr. M. B. D'Costa, Senior Advocate with Mr. J. A. Lobo, Advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.C.

Heard Mr. M. B. D'Costa, the learned Senior Counsel for the appellant. I perused the Judgments of the appeal Court as well as the trial Court. Both the Courts, on a proper appreciation of the evidence, held that the width of the drain between the two plots belonging to the rival parties has not been established to be two metres. The findings recorded by the Courts below cannot be said to be perverse.

No substantial question of law arises in this second appeal.

The second appeal is dismissed in limine.

R. M. LODHA, J.

ssm.